

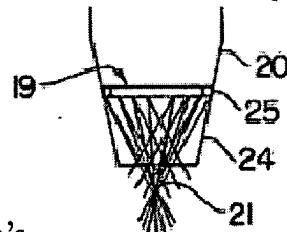
## Discussion and Remarks

In the cited references, Wilson (6,158,165) discloses an insect trap comprising an aperture (at 19), a first set of deflectable strips, an enclosure and an insect attractant (17). However, the Examiner further states on Pg. 3 (paragraph 8, line 5-6) that a crawl path (24) is surrounded by the enclosure in the Wilson's device.

In the Wilson's patent, it is stated that (Column 3, line 43-46),

"The tube (20) is funnel shaped, having a conical part (24) disposed inside the mason jar container (27), and a cylindrical upper part (26) which extends through the grommet (29)."

As shown in the figure on the right, the numeral (24) in Fig. 5 of the Wilson's device points to a "conical part (24)" in his device. The "conical part (24)" in the Wilson's device is very different from the "crawl path (420)", which is disclosed in the applicant's specification. The conical part (24) in the Wilson's device is a part of a rigid device called the tube (20). The conical part (24) in the Wilson's device is inflexible. However, the crawl path (420) in the applicant's device is a passage made of a plurality of flexible and deflectable strips.



In the Abstract, Wilson states that (front page, Abstract, line 9-10),

"Insects can push aside the wires in one direction to enter the container."

The insects entering the Wilson's device would have to push aside the wires to enter the trapping chamber. In the applicant's device, a crawl path is provided and the configuration for crawling is made in a natural way such that the insect could

enter the chamber with ease, and without pushing. As explained in the applicant's specification which is excerpted below (Pg. 1, line 3-5 of the last paragraph),

"The deflectable strips onto which the insect has landed are deflected downwardly and disjoint from the bunch to reveal an opening into the interior of the chamber."

In view of the above mentioned structural differences in the configuration and the operating environment in which the manners of a fly entering the trap, it is noted that the Wilson's device has not included a crawl path which is provided in Claim 21. Claim 21 has now been replaced by a proposed amended independent Claim 41. The amended independent Claim 41 includes a crawl path which is missing from the Wilson's device.

In the amended Claim 41, a replacement for Claim 21, suggestions for changes from the Examiner have been fully incorporated. These changes include the structural limitation and organization arrangement between the various elements of Claim 41.

A proposed amended Claim 42, a replacement for Claim 22, has been amended to be a dependent claim of Claim 41.

The applicant has made an inadvertent mistake by not clarifying the role of the enclosure in the previous correspondence.

It is stated in the specification (Pg. 5, line 1-2 of the third paragraph, or line 17-18) that,

An enclosure 450 comprising a second set of the deflectable strips 20 is employed to surround the crawl path 420. [note: cited by Claim 42.]

In the specification (Pg. 6, line 1-4 of the last paragraph), it is stated that,

Fig. 4 shows the third preferred configuration of the bunch 30 for use in the chamber 10 of Fig. 1. A bottomless enclosure 640 with an open bottom end 650 and an open rear end 660 encompassing the aperture 60 comprises walls, 670, 680, 690 and a front wall 700.

It is noted that Fig. 1 is an elected species and the enclosure (450) has already been specified in Fig. 1. The specification, as stated above, has specified that a bottomless enclosure (640) is to be used in Fig. 1. The bottomless enclosure (640) used in Fig. 4 is a variant of the enclosure (450) of Fig. 1 in the applicant's specification.

The enclosure (450) of Fig. 1 described by Claim 41 is used to surround the crawl path (420), the enclosure stated in a newly proposed amended Claim 43 is a bottomless enclosure which is used to surround the crawl path (420). The proposed dependent Claim 43 has been rewritten to specify clearly the elements and the structural arrangement among the elements as provided in the specification.

It is stated in the Examiner's Office Action, dated May 20, 2005, (Pg. 2, line 9 and line 16-18, or line 1 of the fourth paragraph) that,

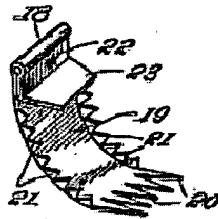
“The election requirement is therefore based solely on the Figures.”

“Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.”

The applicant would like to appeal for a delay in the consideration of amended Claim 43, which has been rewritten as a dependent claim of Claim 41, on the contingent of the completion in the examination of Claim 41.

Claims 24 and 33 were rejected by the Examiner as being unpatentable over Wilson in view of Earwood (1,655,361). The Examiner states that Earwood uses an array of tines (21) mounted to the underside of the deflectable strips.

The figure on the right shows the item (21) used in Fig. 6 of the Earwood's device. The numeral (21) in the Earwood's device points to two rows of teeth (21) mounted along two opposite lateral sides of an arcuate shaped drop (19). It is noted that the teeth (21) are very different from the applicant's sharp tines (100) mounted to the underside of the deflectable strips. The teeth (21) and the tines (100) are very different both in their physical appearances and in their structures.



It is noted that the fly trapped in the applicant's device would have been hardly deterred by the teeth (21) provided from the Earwood's device, if the teeth (21) were to be deployed in the applicant's device. The sharp tines (100), which are different from the teeth (21), would have discouraged a fly from flying into the forbidden region in the applicant's device.

Furthermore, the underside of the deflectable strips is populated with a plurality of sharp tines (100), as stated in the specification (the last sentence of Pg. 5), while the drop (19) in Fig. 6 of the Earwood's device as shown above is not populated with teeth (21).

An amended dependent Claim 44 and an amended independent Claim 52, which are proposed to replace respectively Claim 24 and Claim 33, include a plurality of tines (100). The tines (100) are very different in their physical properties from the teeth (21) used in the Earwood's device. The independent Claim 52 has been rewritten to

include the structural limitation and the structure arrangement among the elements. The amended Claim 52 includes a crawl path which is missing from the Wilson's device, as explained in the statements in the amended Claim 41 discussed above.

The informality in Claim 33 found by the Examiner has been corrected in the amended Claim 52.

Amended Claims 45, 46, 47 and 50 are dependent claims of Claim 41. The applicant requests a delay in the consideration of Claims 45, 46, 47 and 50, until the completion in the examination of Claim 41, as explained in the statements made with the Claim 43 stated above. In the amended Claim 46, the sharp tines at the terminal ends of the deflectable strips are a structural variant of the strips in Claim 41. The amended Claim 47 is almost identical to Claim 42, except that the deflectable strips assume a different form when bending upwardly. It is noted that the modified structural elements in Claims 46 and 47 are the variants of the elements disclosed in Claims 41 and 42. The dependent Claim 45 has added an extra feature to Claim 41. In the dependent Claim 50, the light tube to attract insects functions as an insect attractant which has already been stated in Claim 41.

The applicant would like to withdraw Claim 27 from further consideration.

The Examiner rejects Claim 29 as being unpatentable over Wilson in view of Harwoods (4,244,135). Harwoods has used a slidable tray containing an attractant. Claim 29 is written as a dependent claim of Claim 21. The independent Claim 21 has provided a crawl path which is missing from the Wilson's device, as explained in the discussion about the amended Claim 41 stated above. A proposed dependent Claim 48, a replacement of Claim 29, is written as a dependent claim of Claim 41. The independent Claim 41 has provided a crawl path, which is a feature not found in the Wilson's device, so that an insect could crawl into a trapping chamber.

The Examiner rejects Claims 30 and 36 as being unpatentable over Wilson in view of Walker (5,896,695). Walker has taught the use of a cross-wired mesh cover for placement over a tray. Claim 30 is a dependent claim of Claim 21. Both Claim 21 and Claim 36 have provided a crawl path which is missing from the Wilson's device, as explained in the discussion about the amended Claim 41 stated above. Dependent Claim 49 and an independent Claim 55 are respectively the amended forms of Claim 30 and Claim 36. Amended Claims 49 and 55 are both related to a trapping device that has a crawl path for the insect to follow into the chamber.

The Examiner rejects Claim 32 as being unpatentable over Wilson in view of Ridings (3,996,690). Ridings has taught the use of a hollow cartridge containing sticky material for the attraction of insects. Claim 32 is a dependent claim of Claim 21. The independent Claim 21 stated above has provided a crawl path which is missing from the Wilson's device, as explained in the discussion about the amended Claim 41 above.

A proposed amended Claim 51, a replacement for Claim 32, is a dependent claim of Claim 41. The independent Claim 41, as stated above, has provided a crawl path which is missing from the Wilson's device.

The applicant requests a delay in the consideration of the proposed dependent Claim 53 and Claim 54, until the completion in the examination of the amended independent Claim 52 stated above.

Claim 37 was rejected as being unpatentable over Wilson in modified form in view of Earwood (1,655,361). As explained with regard to the Claims 24 and 33 above, and with the aid of the diagram as shown above, it is noted that the numeral (21) in the Earwood's device points to two rows of teeth (21) mounted along two opposite lateral sides of an arcuate shaped drop (19). It is noted that the fly trapped

in the applicant's device would have been hardly deterred by the teeth (21) provided from the Earwood's device, if the teeth (21) were to be deployed in the applicant's device. The sharp tines (100), which are different from the teeth (21), would have discouraged a fly from flying into the forbidden region in the applicant's device.

A proposed amended Claim 56, a replacement for Claim 37, is written as a dependent claim of Claim 55. The proposed amended independent Claim 55 stated above has provided a crawl path which is missing from the Wilson's device, as explained in the discussion about the amended Claim 41 stated above.

Amended Claims 57, 58 and 59 are dependent claims of proposed amended Claim 55. The amended independent Claim 55 has provided a crawl path which is missing from the Wilson's device, as explained in the discussion about the amended Claim 41 stated above. The applicant requests a delay in the consideration of amended Claims 57, 58 and 59, until the completion in the examination of amended Claim 55, as explained in the statements made with the amended Claim 43 stated above.

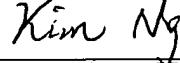
The modified claims, which now include the essential elements, as well as the limitation of the elements in the device, have been amended according to the suggestion from the Examiner in the Office Action, dated August 10, 2005. The informalities have been corrected in the amended claims.

In view of the differences in the structural arrangement between the prior art devices and the applicant's device, the applicant has amended the claims by incorporating the structural element and the operating characteristic of the improved device as discussed above.

The applicant submits herewith a proposed amendment to the claims to reflect the structure and the operating characteristics of the improved device.

For the above reason, the applicant believes that he has been fully responsive to the Examiner. The applicant requests an entry and consideration of the amendment submitted herewith.

Respectfully submitted,

  
Kim Kwee Ng

Date: 10/17/2005  
10 Malibu Ln  
Centereach, NY 11720-3042  
Tel. (631) 632 - 8189  
Fax. (631) 632 - 8101

## **Claim Amendments**

Current Status of all Claims:

Claims 1-20 (canceled)

Claims 21-26 (canceled)

Claim 27 (withdrawn)

Claims 28-40 (canceled)

Claims 41-59 (new)